

## REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 10, 20 and 21 are amended. Claims 1-10 and 12-21 are pending.

### Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because: the amendments were not earlier presented because the Applicant believed in good faith that the cited references did not disclose the present invention as previously claimed; and the amendment does not significantly alter the scope of the claim and places the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### **I. Rejection under 35 U.S.C. § 103**

In the Office Action, at page 2, claims 1-10 and 12-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,590,583 to Harrison in view of U.S. Patent No. 4,851,664 to Oslin. This rejection is respectfully traversed because the combination of the teachings of Harrison and Oslin does not suggest:

an oven including a rear part and at least one side part accommodated in the oven compartment of the main body;  
a plurality of spacing parts provided between the main body and the oven to form a space between the main body and the oven and used to combine the main body and the oven, each of the spacing parts including at least one first protruding part protruding toward the main body to form a space, at least a first spacing part being provided between the rear part of the oven and the main body to secure the main body with the oven and at least a second spacing part being provided between the at least one side part of the oven and the main body to secure the main body with the oven;...  
wherein the securing of the oven to the main body by the at least first and second spacing parts each including at least one

protruding part decreases unnecessary movement of the bread maker during operation,

as recited in amended independent claim 1.

Further, the combination of the teachings of Harrison and Oslin does not suggest:

an oven including a rear part and at least one side part;...

a plurality of spacing parts provided between the frame and the oven to combine the frame with the oven, and to form a predetermined space to interpose an insulation, each of the spacing parts including at least one first protruding part protruding toward the frame to form the space in which the insulation member is placed, at least a first spacing part being provided between the rear part of the oven and the frame to secure the frame with the oven and a second spacing part being provided between the at least one side part of the oven and the frame to secure the frame with the oven,...

wherein the securing of the oven to the frame by the at least first and second spacing parts each including at least one protruding part decreases unnecessary movement of the bread maker during operation,

as recited in amended independent claim 10.

Also, the combination of the teachings of Harrison and Oslin does not suggest:

an oven including a rear part and at least one side part accommodated in the oven compartment, and separated by at least one space from the frame, each of the spaces being formed by a spacing part including at least one first protruding part protruding toward the frame to form the space, at least a first spacing part being provided between the rear part of the oven and the frame to secure the frame with the oven and at least a second spacing part being provided between the at least one side part of the oven and the frame to secure the frame with the oven; and...

wherein the securing of the oven to the frame by the at least first and second spacing parts each including at least one protruding part decreases unnecessary movement of the bread maker during operation,

as recited in amended independent claim 20.

As a non-limiting example, the present invention according to claim 1, for example, is directed to a bread maker including a main body and an oven having a rear part and at least one side part. The bread maker further includes a plurality of spacing parts provided between the main body and the oven to form a space between the main body and the oven and is used to combine the main body and the oven. Each of the spacing parts includes at least a first protruding part protruding toward the main body to form a space. At least a first spacing part is

provided between the rear part of the oven and the main body to secure the main body with the oven and at least a second spacing part is provided between at least one side part of the oven and the main body to secure the main body with the oven. An insulation member is interposed in the space between the main body and at least the first protruding part of the spacing part. The securing of the oven to the main body by the first and second spacing parts each including at least one protruding part decreases unnecessary movement of the bread maker during operation.

Harrison discusses an appliance for making bread and cooking bagels including insulated side and bottom walls 52 and 54. As conceded by the Examiner, Harrison does not discuss or suggest a spacing part provided between a main body and an oven to form a space between a main body and an oven and used to combine the main body and the oven, and Harrison does not discuss or suggest that each of the spacing parts includes at least one first protruding part protruding toward the main body of the bread maker. The Examiner indicates that Oslin makes up for the deficiencies in Harrison. The Applicant respectfully disagrees.

Oslin discusses an electric combination oven including a bracket 212 provided between two sides of the door of the oven. Oslin further discusses that insulating material 34 is interposed between a front side and a back side of the door 22. However, although Oslin does discuss a bracket 212 that maintains structural support and separation of parts of the door 22, Oslin does not discuss or suggest that a plurality of spacing parts are provided between a main body and an oven to form a space between the main body and the oven and that are used to combine the main body and the oven. As discussed previously, the spacers 212 are merely provided for structural support and separation of parts of the door 22. The spacers 212 are not used to combine a main body of the oven and the internal oven itself. Further, the spacers 212 do not include a first protruding part protruding toward the main body of the cooking device to form a space. The space between the sides of the door 22 is already established in Oslin and the spacers 212 are used merely to provide structural support between the two sides of the door 22.

In addition, Oslin does not discuss or suggest that a first spacing part is provided between a rear part of the oven and the main body to secure the main body with the oven and a second spacing part is provided between at least one side part of the oven and the main body to secure the main body with the oven. Again, spacers 212 are merely used to provide structural support. The spacers 212 are not used to secure a main body of the cooking device with the oven, and particularly, there is no indication that the spacers 212 are provided between a rear

part of the oven and the main body and also between a side part of the oven and the main body to secure the main body with the oven. The Oslin reference merely discloses that the spacers 212 are provided within the door 22, but includes no indication that the spacers 212 are used to secure the outer frame of the cooking device with the oven itself.

Also, Oslin does not discuss or suggest that the first and second spacing parts which are provided between a rear part of the oven and the main body and a side part of the oven and the main body, respectively, secure the oven to the main body in order to decrease unnecessary movement of the bread maker during operation. In contrast, the present invention of claim 1 provides for securing the rear part and at least one side part of the oven to the main body. Paragraph [0031] of the present specification indicates that securely combining the main body and the oven decreases unnecessary movement of the bread maker to enhance the durability thereof. As the bread maker includes a kneading system which kneads dough, thereby causing movement within the structure of the bread maker, by securing the rear part and at least one side part of the oven to the main body by the first and second spacing parts including protruding parts, the oven is more securely stabilized to the main body so that additional unnecessary movement does not occur during operation. As the spacers 212 in Oslin are merely used to provide structural support within the door 22 of the oven, it would not be obvious to one of ordinary skill in the art to position a spacing part including a protruding part between a rear part of an oven and additionally provide a spacing part between at least one side part of the oven and the main body in order to secure the main body with the oven and thereby decrease unnecessary movement.

Therefore, the combination of the teachings of Harrison and Oslin does not suggest, "an oven including a rear part and at least one side part accommodated in the oven compartment of the main body; plurality of spacing parts provided between the main body and the oven to form a space between the main body and the oven and used to combine the main body and the oven, each of the spacing parts including at least one first protruding part protruding toward the main body to form a space, at least a first spacing part being provided between the rear part of the oven and the main body to secure the main body with the oven and at least a second spacing part being provided between the at least one side part of the oven and the main body to secure the main body with the oven;... herein the securing of the oven to the main body by the at least first and second spacing parts each including at least one protruding part decreases unnecessary movement of the bread maker during operation," as recited in amended independent claim 1. Also, the combination of the teachings of Harrison and Oslin does not suggest, "an oven including a rear part and at least one side part;... a plurality of spacing parts

provided between the frame and the oven to combine the frame with the oven, and to form a predetermined space to interpose an insulation, each of the spacing parts including at least one first protruding part protruding toward the frame to form the space in which the insulation member is placed, at least a first spacing part being provided between the rear part of the oven and the frame to secure the frame with the oven and a second spacing part being provided between the at least one side part of the oven and the frame to secure the frame with the oven,...wherein the securing of the oven to the frame by the at least first and second spacing parts each including at least one protruding part decreases unnecessary movement of the bread maker during operation,” as recited in amended independent claim 10. Additionally, the combination of the teachings of Harrison and Oslin does not suggest, “an oven including a rear part and at least one side part accommodated in the oven compartment, and separated by at least one space from the frame, each of the spaces being formed by a spacing part including at least one first protruding part protruding toward the frame to form the space, at least a first spacing part being provided between the rear part of the oven and the frame to secure the frame with the oven and at least a second spacing part being provided between the at least one side part of the oven and the frame to secure the frame with the oven; and...wherein the securing of the oven to the frame by the at least first and second spacing parts each including at least one protruding part decreases unnecessary movement of the bread maker during operation,” as recited in amended independent claim 20.

Thus, claims 1, 10 and 20 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the §103(a) rejection is respectfully requested.

Claims 2-9 and 12-19 depend either directly or indirectly from independent claims 1 and 10 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. Claims 2-9 and 12-19 depend either directly or indirectly from independent claims 1 and 10 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 3 recites that “the spacing part protrudes towards the side part of the oven to form the space in which the insulation member is interposed, at least one second protruding part formed with a second screw hole; and at least one second screw passing through the main body and inserted into the second screw hole of the respective second protruding part.” Therefore, claims 2-9 and 12-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Harrison in view of Oslin and Sakamoto

In the Office Action, at page 3, claims 5-7 and 15-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Harrison in view of Oslin and further in view of U.S. Patent No. 4,757,181 to Sakamoto et al. This rejection is respectfully traversed.

As discussed above, the combination of the teachings of Harrison and Oslin does not suggest all the features of independent claims 1 and 10, from which claims 5-7 and 15-19 ultimately depend. Further, Sakamoto does not make up for the deficiencies in the combination of the teachings of Harrison and Oslin with respect to the securement of spacing parts between the oven and the main frame. Therefore, as the combination of Harrison, Oslin and Sakamoto does not suggest all the features of independent claims 1 and 10, claims 1 and 10 patentably distinguish over the references relied upon.

Claims 5-7 and 15-19 depend either directly or indirectly from independent claims 1 and 10 and include all the features of their respective independent claims, plus additional features that are not discussed or suggested by the references relied upon. For example, claim 7 recites that "the spacing part protrudes towards the side part of the oven to form the space in which the insulation member is interposed; at least one second bracket formed with a second screw hole; and at least one second screw passing through the main body and inserted into the second screw hole of the respective second bracket." Therefore, claims 5-7 and 15-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

Hedenberg in view of Oslin

In the Office Action, at page 3, claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,590,850 to Hedenberg in view of Oslin. This rejection is respectfully traversed because the combination of the teachings of Hedenberg and Oslin does not suggest:

an oven including a rear part and at least one side part accommodated in the oven compartment, and separated by a space from the frame, the oven providing heat from the heating system to make bread from the dough;

a spacing part provided between the frame and the oven to form a space between the frame and the oven, the spacing part including at least one first protruding part protruding toward the frame to form the space; and...

a plurality of spacing parts provided between the frame and the oven to combine the frame with the oven, and to form a

predetermined space to interpose an insulation, each of the spacing parts including at least one first protruding part protruding toward the frame to form the space in which the insulation member is placed, at least a first spacing part being provided between the rear part of the oven and the frame to secure the frame with the oven and at least a second spacing part being provided between the at least one side part of the oven and the frame to secure the frame with the oven,

wherein the securing of the oven to the frame by the at least first and second spacing parts each including at least one protruding part decreases unnecessary movement of the bread maker during operation,

as recited in amended independent claim 21.

As conceded by the Examiner, while Hedenberg discusses an apparatus for making bread including an insulation 15 provided between an outer casing and an inner heating section of the apparatus, Hedenberg does not discuss or suggest that a spacing part is provided between a frame and an oven of a bread maker, forming a space between the frame and the oven. Further, Hedenberg does not suggest that the spacing part includes a protruding part protruding toward the frame to form the space, that insulation is provided between the frame and the oven is interposed between the frame and the protruding part of the spacing part, and that a spacing part is provided between a rear part of the oven and the frame and another spacing part is provided between a side part of the oven and the frame. As discussed above, Oslin fails to make up for these particular deficiencies.

Therefore, as the combination of the teachings of Hedenberg and Oslin does not suggest "an oven including a rear part and at least one side part accommodated in the oven compartment, and separated by a space from the frame, the oven providing heat from the heating system to make bread from the dough; a spacing part provided between the frame and the oven to form a space between the frame and the oven, the spacing part including at least one first protruding part protruding toward the frame to form the space; and... a plurality of spacing parts provided between the frame and the oven to combine the frame with the oven, and to form a predetermined space to interpose an insulation, each of the spacing parts including at least one first protruding part protruding toward the frame to form the space in which the insulation member is placed, at least a first spacing part being provided between the rear part of the oven and the frame to secure the frame with the oven and at least a second spacing part being provided between the at least one side part of the oven and the frame to secure the frame with the oven, wherein the securing of the oven to the frame by the at least first and second spacing parts each including at least one protruding part decreases unnecessary movement of

the bread maker during operation," as recited in amended independent claim 21, claim 21 patentably distinguishes over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

### Conclusion

In accordance with the foregoing, claims 1, 10, 20 and 21 are amended. Claims 1-10 and 12-21 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

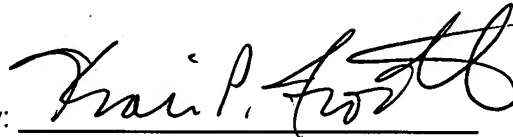
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: September 4, 2007

By:



Kari P. Footland  
Registration No. 55,187

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501